Bill No.	10-00				
Concerning: C	Collective	Bargaining -			
Police - Sergeants					
Revised: 6-6	<del>-00</del>	_ Draft No. <u>6</u>			
Introduced:	March 14,	2000			
Enacted:	June 6, 20	000			
Executive:	June 19, 2	2000			
Effective:	Septembe	er 18, 2000			
Sunset Date:	None				
Ch. 16 . Lav	ws of Mont.	Co. 2000			

# COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berlage, Andrews, Leggett, Silverman, and Ewing

#### AN ACT to:

(1) bring police sergeants within the scope of collective bargaining;

[[(2) divide the police collective bargaining unit into two bargaining units;]] [[and]]

[[(3) limit the scope of collective bargaining for members of the police sergeants bargaining unit;]] and

 $[[\underline{(4)}]]$   $\underline{(2)}$  generally amend the law regarding collective bargaining with County police officers.

#### By amending

Montgomery County Code Chapter 33, Personnel and Human Resource Sections 33-76, [[and]] 33-78, and 33-80

### [[By adding

Chapter 33, Personnel and Human Resource Section 33-78A]]

Boldface	Heading or defined term.
<u>Underlining</u>	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
Double underlining	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. Sections 33-76, [[and]] 33-78, <u>and 33-80</u> are amended[[, and				
2	Section 33-78A is added,]] as follows:				
3	33-76. Definitions.				
4	When used in this Article:				
5	* * *				
6	Certified representative means an employee organization selected in				
7	accordance with [the procedures of] this Chapter to represent [the] a unit.				
8	Employee means any police officer [in the classification of] classified as a				
9	sergeant, master police officer I, master police officer II, police officer I, police				
10	officer II, police officer III, [and] or police officer candidate, or an equivalent				
11	nonsupervisory classification[s], but not [those] <u>a police officer</u> in [the classification				
12	of police sergeant or] any [equivalent or] higher classification. [[Employee does not				
13	include a sergeant whose primary duties involve human resources, internal affairs,				
14	legal matters, labor relations, or policy development and compliance.]]				
15	Employer means the County Executive and [his] the Executive's designees.				
16	* * *				
17	Unit means [all employees] [[either of the units defined in Section 33-78A]] all				
18	employees.				
19	33-78. Employee rights.				
20	* * *				

21	(b)	The employer [shall have the duty to] must extend to the certified
22		representative the exclusive right to represent the employees [[in that
23		bargaining unit]] for the purposes of collective bargaining, including the
24		orderly processing and settlement of grievances as agreed by the parties
25	(c)	A certified representative [shall] must serve as the bargaining agent for

A certified representative [shall] <u>must</u> serve as the bargaining agent for all employees [[in the unit for which it is certified]] and [shall have the duty to] <u>must</u> represent fairly and without discrimination all employees [[in that unit]] without regard to whether the employees are [or are not] members of the employee organization, [or are paying] <u>pay</u> dues or other contributions to it, or [participating] <u>participate</u> in its affairs. [; provided, however, that it shall not be deemed] <u>However</u>, it is not a violation of this duty for a certified representative to seek enforcement of an agency shop provision in a valid collective bargaining agreement.

34 \* \* \*

## [[33-78A. Bargaining units.]]

[[For purposes of certification and collective bargaining, employees subject to this Article must be divided into 2 bargaining units, composed of the following employees:

39 <u>(1)</u> <u>sergeants;</u>

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40 (2) all other covered employees.

41	33-80.	Collective Bargaining.	
42	(a)	Duty to bargain; matters subject to bargaining.	[[Upon certification
43		of an]] A certified employee organization[[, as provi	ded in section 33-
44		79,]] <u>and</u> the employer [[and the said certified repres	entative shall have
45		the duty, through their designees, to]] <u>must</u> bargain of	collectively [[with
46		respect to those]] on the following subjects [[as follows:	ows]]:
47		* * *	
48		(7) The effect on employees of the employer's ex	ercise of rights
49		[[enumerated]] <u>listed</u> in subsection (b) [[hered	of]][[ <u>, but this</u>
50		paragraph does not apply to the bargaining un	it composed of
51		sergeants]].	
52		* * *	
53	Approved:		
54	/S/		6/7/00
34		ubin, President, County Council	Date
55	Approved:	dom, i resident, County Council	Date
	TT ·····		
56	/S/		6/19/00
	Douglas M. D	Ouncan, County Executive	Date
57	This is a corr	ect copy of Council action.	
58	/S/		6/19/00
50		ar, CMC, Clerk of the Council	Date
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